

In re: : Case No.: 20-10334-TPA  
: :  
Joseph Martin Thomas : Chapter: 11  
: :  
Debtor(s). :  
: Date: 5/13/2021  
: Time: 11:00

**PROCEEDING MEMO**

**MATTER** #294 Cont. Joint Motion For Order Approving Sale of Real Estate  
Free and Divested of Liens

**APPEARANCES:**

Debtor: Michael P. Kruszewski, Gary Eiben  
TIAA: Michael Romano  
Wells Fargo: Salene Mazur Kraemer  
Tri-State Cred. Comm.: Guy Fustine, Ashley Mulryan  
Tri-State: Gary Skiba

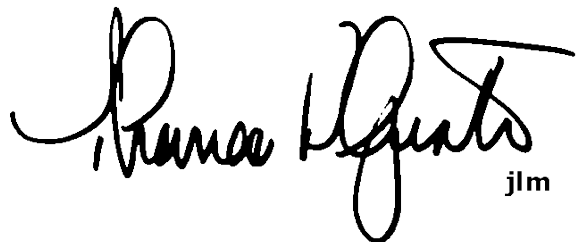
**NOTES:**

Fustine: GESC guaranteed the Wells Fargo debt of 2374 Village Common Drive. The carveout will not be paid at the time of closing. The source of the carveout is the cash of Greater Erie Surgery Center. We are negotiating what to do with the remaining cash of GESC, but that issue is not resolved yet.

Kruszewski: The U.S. Trustee contacted me two months ago saying to the extent you have a sale in excess of \$1 million it will be a 1% trustee fee. We did not discuss what happens if it is a credit bid. I would make an oral motion to waive the 14-day appeal period.

Kraemer: I do appreciate the cooperation in allowing the carveout to come from the cash collateral. For purposes of the record it is our position that the Debtor would be responsible for the U.S. Trustee fees.

**OUTCOME:** Proposed Order #423 GRANTED/ MOE with 14-day appeal period waived.

  
jlm